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Mail Stop Amendment, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on 25 August 2009

Printed: Matthew R. Kaser

Signed: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Application of:

Dzeng, E., Xing, F., March, J., Islam, M.R., and Michel, R.

Title: Transesophageal Heat Exchange Catheter For Cooling of the Heart

Serial No.: 10/803,235
Filing Date: 17th March, 2004
Examiner: GIBSON, Roy Dean
Group Art Unit: 3739

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT TO SIXTH
OFFICE ACTION**

Dear Sir:

This is a response to the Notice of a Non-Compliant Amendment filed in response to the non-final Office Communication, the Notice having been mailed 20th August, 2009. This response is filed within one month of the mailing date of the Notice.

Applicant respectfully believe that no fees are due at this time, however, should the Commissioner determine that any fees are due, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Bell & Associates Deposit Account No. 50-3194.

The Notice stated “A complete listing of all of the claims is not present” and that“(t)here is no mention of claims 1-12 or 15-33”. A copy of the Notice is herewith enclosed with this Communication.

Please enter the following four replacement sheets as a corrected section of the non-compliant amendment that correspond to pages 2-5 as filed on the 15th June 2009.

Applicants submit that the pages having the proposed amendments to the claims now mention claims 1-12 and 15-33. Applicants note that claim 12 was cancelled in the amendment filed 9th October 2008.